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APPLICATION NO..	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,056	03/05/2001	Yutaka Sato	7217/64048	3522

7590 03/23/2004

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EXAMINER

FIGUEROA, FELIX O

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/800,056	Applicant(s) SATO ET AL.	
	Examiner Felix O. Figueroa	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 12, 16 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 12, 16 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 26, 2003 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gefvert (US 5,850,457) in view of Ruzicka (US 6,118,876), Siems et al. (US 5,470,253) and Glover (3,824,524).

Gefvert discloses a multi-channel audio system comprising an electronic apparatus (100) provided with at least four audio signal output terminals (see Fig.8B) for a plurality of channels; a plurality of speakers (102,104,106,108); and a plurality of connecting cable members (see Fig.8B), each incorporating a pair of conductor members bearing a pair of polarities and sheathed by one of a plurality of insulating sheathing members, each of the audio signal output terminals being arranged

corresponding to positions of the plurality of speakers, the speakers being arranged corresponding to the plurality of channels.

Gefvert discloses substantially the claimed invention except for the plurality of colors on the signal output terminals. Ruzicka discloses (in col.7 lines 28-33) the use of an audio system having audio signal output terminals being distinguished by one of a plurality of colors for enabling the plurality of channels to be discernible; a plurality of connecting cable members distinguished by one of the plurality of colors corresponding to a color distribution of the audio signal output terminals; and the speakers being distinguished by corresponding colors to facilitate installation process. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the terminals and cable members of Gefvert with a plurality of colors, as taught by Ruzicka, to facilitate installation process.

Gefvert, as modified by Ruzicka, discloses substantially the claimed invention except for the use of contractile tubes. Siems teaches the use of thermally contractile tubes of different colors (col.3. lines 14-18) secured to cable members to facilitate installation and connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use thermally contractile tubes of different colors secure to cable members, as taught by Siems, to facilitate installation and connection.

Gefvert, as modified, discloses substantially the claimed invention except for the connector structure of the cable. Glover discloses a connector using a connecting cable member (5) having two conductor portions having a pair of polarities and an insulating

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sheathing member, one end of the connecting cable member conforming to a structure of a plug connector (1) incorporating two conductor members (27) connected to the two conductor portions; a socket connector (3) coupled with the plug connector and provided in one of a first or second apparatus, the socket connector being provided with a pair of connecting pins (35) bearing the pair of polarities; and position controlling means (see Fig.7); the plug connector being provided with a pair of coupling holes (27); and position controlling means coupling portion (see Fig.6) to ensure correct connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a connector structure, as taught by Glover, to ensure correct connection.

Additionally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the distinguishing colors by one of different known methods, such as using colored labels and sheets.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gefvert, Ruzicka, and Siems and further in view of Glover and Lee.

Glover discloses substantially the claimed invention except for plug connectors at both ends of the cable. Lee teaches a connector comprising a cable (22) having plug connectors at both ends to provide uniformity and facilitate the connection process. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a plug connector at both ends of the cable member of Glover, as taught by Lee, to provide uniformity and facilitate the connection process.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruzicka in view of Siems et al. and Glover.

Ruzicka discloses (in col.7 lines 28-33) a multi-channel audio system comprising an electronic apparatus with a plurality of audio signal output terminals; a plurality of speakers; a plurality of connecting cable members, the plurality of connecting cable members provided with a specific color corresponding to the color provided on the plurality of audio signal output terminals. Ruzicka also discloses each of the plurality of speaker terminals being distinguished with a specific color in correspondence with the colors of the plurality of audio signal output terminals.

Ruzicka discloses substantially the claimed invention except for the use of contractile tubes. Siems teaches the use of thermally contractile tubes of different colors secure to cable members to facilitate installation and connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use thermally contractile tubes of different colors secure to cable members, as taught by Siems, to facilitate installation and connection.

Ruzicka, as modified, discloses substantially the claimed invention except for the connector structure of the cable members. Glover discloses a connector structure on a cable (see discussion of Glover regarding claim 5) to ensure correct connection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a connector structure, as taught by Glover, to ensure correct connection.

Ruzicka, as modified by Siems, discloses substantially the claimed invention except for the specific methods of providing the distinguishing colors. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the distinguishing colors by one of different known methods, such as using colored labels and sheets.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruzicka, Siems and Glover, and further in view of Lee.

Ruzicka, as modified, discloses substantially the claimed invention except for plug connectors at both ends of the cable. Lee teaches a connector comprising a cable (22) having plug connectors at both ends to provide uniformity and facilitate the connection process. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a plug connector at both ends of the cable member of Glover, as taught by Lee, to provide uniformity and facilitate the connection process.

Response to Arguments

Applicant's arguments filed November 26, 2003 have been fully considered but they are not persuasive.

In response to Applicant's arguments that Siems does not "show or suggests using the colored marks that show discernment near the output terminals on the back panel of an electronic apparatus", please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck &*

Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Siems discloses the use of colored marks near the end of the connecting ends of the cable member.

Therefore, the teachings of Siems in combination with the apparatus of Gefvert, as modified by Ruzicka, results in the colored marks being near the output terminals on the back panel of the electronic apparatus of Gefvert.

In response to Applicant's arguments (regarding claim 16) that Ruzicka and Siems do not show and would teach away from providing "the colored labels on the speakers along with colored sheets on the output terminals and colored shrink-wrap tubing on the cables", it is noted that Ruzicka discloses (in the Background of the Invention, col.7 lines 28-33) the use of color-coding to of the connections at the speaker and the audio signal source as well as adding labeling to the jacks. However, the fact that Ruzicka intends to improve upon this method does not render the method undesirable to one skill in the art. Clearly, Ruzicka does not state "not to use color coding", but that the method presented would be easier to employ.

Additionally, Siems disclose the use of color coded shrink wrap tube with a plurality of the specification required for the connection, such as gauge, length, color (col.3. lines 14-18). Although Siems discloses that the use of color-coded shrink-wrap may be insufficient on complex circuit arrangement, this would not prevent one skill in the art from using such system on less complex arrangement, such as the arrangement of Gefvert or Ruzicka.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ffr

Felix O. Figueroa


RENEE LUEBKE
PRIMARY EXAMINER